A (3)

CH/Bdk

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Single Bench

WRIT PETITION No. 1952 OF 2003

PETITIONER

U. D. Baghel, aged about 59 years, S/o Shri L.J.Baghel, Dy. Director (Industries), Office of Directorate of Industries, Raipur (Chhattisgarh), resident of 22/21, 21 Bungalow, Gayatri Nagar, District Raipur (Chhattisgarh)

P. R. No. 1869/03
Presented by Shri S.R.T. Jaiswal
dated 02.09.03

Versus

RESPONDENTS

1. State of Chhattisgarh through the Special Secretary, Department of Commerce & Industries, Mantralaya, D.K.S.Bhawan, Raipur (Chhattisgarh)

2. Deputy Secretary, Department of Commerce and Industries, State of Chhattisgarh, Mantralaya, D.K.S.Bhawan, Raipur (Chhattisgarh)

3. Additional Director (Industries), Directorate of Industries, Raipur (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

RECEIVED COPY.

XI-HC—78

(4C)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP. 1952/03 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

25/08/2003: -

Shri Prashant Mishra counsel for the petitioner.

Miss Sharmila Singhai,Dy. Govt. Advocate, takes notice on behalf of State/respondents.

Since two opportunities have been granted to the learned counsel for the State/respondents to file return and till today return has not been filed, therefore, the matter is heard finally.

By this writ petition under Articles 226/227 of the Constitution of India the petitioner seeks to challenge the order dated 25/06/2003 by which the petitioner has been transferred from the Directorate of Industries, Raipur to the office of the General Manager, Zila Vyapar Avam Udyog Kendra, Kanker. The main grievance of the petitioner is that he has completed 59 years of age and only one year is left for his superannuation and as per the Govt. Circular dated 28/01/1997, the Government should consider his case sympathetically and normally the employees who are supposed to retire within a period of two years, should not be transferred.

Since no return has been filed on behalf of the State/respondents and the petitioner has not made any representation against his transfer, therefore, having heard

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(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make representation making reference of the Govt. Circular dated 28/01/1997 and expressing his difficulties within a period of ten days to the Special Secretary, Department of Commerce & Industries, Mantralaya, D.K.S. Bhawan, Raipur. On receiving the representation of the petitioner the Special Secretary, Department of Commerce & Industries, Mantralaya, D.K.S. Bhawan, Raipur will consider the grievances of the petitioner and decide his representation in an objective manner within a period of thirty days from the date of receipt of the representation. Till the representation of the petitioner is decided, he shall not be relieved from his present place of posting.

In view of the above observation, the petition is disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge